

REMARKS

Reconsideration of the present application is respectfully requested in light of the above amendments and in view of the following remarks.

Status of and Amendments to the Claims

Claims 1-4, 6, 7, 10-15, 17, 18, 21-26, 28, 29, and 32-34 are pending, with Claims 1, 11 and 22 being independent. Claims 1, 2, 6, 7, 10, 11, 17, 18, 21, 22, 28, 29, and 32 are amended, and Claims 33 and 34 are added by the present amendment. No new matter is added.

Summary of the outstanding Office Action

In the outstanding Office Action, Claims 1-4, 6, 7, 10-15, 17, 18, 21-26, 28, 29, and 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lencki, et al. (U.S. Pub. No. 2002/0049617 A1, herein “Lencki”) in view of Kaehler, et al. (U.S. Pub. No. 2005/0086075 A1, herein “Kaehler”).

Statement of Substance of Interview

At the outset, the undersigned representative thanks Examiner Kristine Rapillo and Supervisory Examiner Robert Morgan for the courtesy of an interview with on June 28, 2011. During the interview, the claimed invention was discussed and contrasted with the cited references of record. The additional discussion during the interview is reflected in the remarks presented herein.

Rejection under 35 U.S.C. § 103(a)

The undersigned respectfully traverses the rejection of the pending claims under 35 U.S.C. § 103(a).

Claim 1 recites, *inter alia*, “both the health plan management and defined contribution software modules operable by the claim processing system to . . . establish allocation rules, amounts, and explanation codes for the defined contribution plan including explanation codes for claims disallowed due to the HRA or FSA account being exhausted.”

Lencki describes a system and method of providing benefits.¹ According to Lencki, an employer may determine a specific dollar allowance per employee to support a core benefit package and set parameters regarding modules/options available to an employee, and the employee may contribute pre and after-tax dollars into an individualized account.² Lencki further describes that an employee may also select among line item options and line item sub-options among benefit package categories (20).³ According to Lencki, the employee may navigate through benefit selections, including flexible spending, to see dynamic changes in a resource meter that reflects an impact of selections made.⁴

However, as discussed during the interview, Lencki does not describe any module operable to establish explanation codes for a defined contribution plan, as required by Claim 1. In contrast, Lencki merely describes that an employee may select among various benefit sections such as health, life, dental, retirement, disability, charitable, and flexible spending accounts, to see dynamic changes in a resource meter, without describing that the establishment of explanation codes for a defined contribution plan.⁵ Specifically, Lencki is silent with regard to any module operable to establish explanation codes for a defined contribution plan, at all, let alone *explanation codes for claims disallowed due to an HRA or FSA account being exhausted*, as recited by Claim 1. Therefore, Lencki fails to describe “software modules operable by the claim processing system to . . . establish allocation rules, amounts, and explanation codes for the defined contribution plan including explanation codes for claims disallowed due to the HRA or FSA account being exhausted,” as recited by Claim 1, and Kaehler fails to cure these deficiencies.

Kaehler describes methods, devices, and systems for benefit management.⁶ To that end, Kaehler describes a network (208) coupled to servers (210) including a data store having a number of separate partitions to store data for different plan sponsors.⁷ According to Kaehler, the separate partitions include definable business rule sets for managing and administering

¹ Lencki at Abstract.

² Lencki at paragraph [0081] and at Figure 2.

³ Lencki at paragraph [0082] and at Figure 2.

⁴ Lencki at paragraph [0179].

⁵ Id.

⁶ Kaehler at Abstract.

benefits among plan members.⁸ Kaehler further describes that the definable set of business rules includes fund use rules for accessing and applying funds to claims from one or more accounts, such as health reimbursement arrangement (HRA) accounts.⁹

However, as discussed during the interview, Kaehler does not describe that the servers (210) are operable to establish explanation codes for a defined contribution plan, as required by Claim 1. Instead, Kaehler merely describes that the servers (210) include a data store having a number of separate partitions to store business rules for managing and administering accounts, without describing that the servers (210) are operable to establish explanation codes for a defined contribution plan. Specifically, even if the health reimbursement arrangement (HRA), as described by Kaehler, was asserted as a “defined contribution plan,” as recited by Claim 1, Kaehler still fails to teach or suggest that the servers (210) are configured to establish explanation codes for claims disallowed due to the HRA account being exhausted. In fact, Kaehler is completely silent with regard to any explanation codes associated with an HRA account, let alone *explanation codes for claims disallowed due to an HRA account being exhausted*. Therefore, Kaehler fails to teach or suggest “software modules operable by the claim processing system to . . . establish allocation rules, amounts, and explanation codes for the defined contribution plan including explanation codes for claims disallowed due to the HRA or FSA account being exhausted,” as recited by Claim 1.

Accordingly, undersigned respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2-4, 6, 7, and 10, which depend therefrom, be withdrawn.

Claims 11 and 22, although differing in scope and/or statutory class from Claim 1, patentably define over Lencki and Kaehler for reasons similar to those described above with regard to Claim 1. Accordingly, the undersigned respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claims 11 and 22, and all claims depending therefrom, be withdrawn.

New Claims 33 and 34 depend from Claim 1. Therefore, Claims 33 and 34 patentably define over Lencki and Kaehler for at least the same reasons as Claim 1 and are believed to be in condition for allowance.

⁷ Kaehler at paragraph [0027] and at Figure 2.

⁸ Id.

⁹ Id.

Summary

The undersigned submits that independent Claims 1, 11, and 22 are patentable over the cited references of record. Additionally, the remaining claims depend from one of the independent claims either directly or indirectly and are submitted to be patentable for additional reasons. That is, the dependent claims recite additional features further defining the present invention over the cited references of record, and the undersigned submits that the cited references of record do not teach or suggest those features. Accordingly, the undersigned request renewed, separate, and individual consideration of each dependent claim.

No Waiver

The undersigned's arguments and amendments are without prejudice or disclaimer. The undersigned has not addressed each specific rejection of the dependent claims because the undersigned submits that the independent claims are allowable over the documents of record, as discussed above. The undersigned has not acquiesced to any such rejection and reserve the right to address the patentability of any additional claim features in the future.

CONCLUSION

The undersigned submits the foregoing as a full and complete response to the Office Action dated March 31, 2011. The undersigned submits that this Amendment and Response places the present application in condition for allowance and respectfully requests such action. If any issues exist that can be resolved by an Examiner's Amendment or a telephone conference, the Examiner is requested to please contact Applicant's undersigned attorney at 404.572.2734. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 50-4402.

Respectfully submitted,

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